

Application No.: 10/777,901Docket No.: 713-1006REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 2, 4, 7-8, and 11-26 are pending in the application. Claim 7 has been rewritten in independent form including all limitations of base claim 1 and intervening claim 5 without otherwise touching the merits. Claims 2, 4, 8 and 11 have been amended to depend from claim 7 and/or improve claim language. Claims 1, 3, 5-6, and 9-10 have been cancelled without prejudice or disclaimer. New claims 12-26 have been added to provide Applicants with the scope of protection to which they are believed entitled. The specification and Abstract have been amended to conform with commonly accepted US patent practice. No new matter has been introduced through the foregoing amendments.

The Examiner's art rejections of the original claims are noted. Applicants respectfully traverse the Examiner's rejection of claim 7 as being obvious under 35 U.S.C. 103(a) over *Koscik* (U.S. Patent No. 3,889,320) in view of *Kubogochi* (U.S. Patent No. 4,952,106).

Basically, the Examiner argued that it would have been obvious to have modified the collar (55, FIGs. 1-3) of *Koscik* to include the locking portion (15', FIG. 4, *Kubogochi*) formed on the shank of *Kubogochi* for the purpose of creating another fundamental means for the collar and the fastener to become more secured when depressed into a plurality of workpieces. Applicants respectfully disagree because the references are not properly combinable in the manner the Examiner proposed.

It is apparent to a person of ordinary skill in the art that the *Kubogochi* teaching of locking portion 15' (FIG. 4) is applicable only to the equivalent of the *Kubogochi* shank 12, which includes elements 57 through 32 (FIG. 3) in *Koscik*. Therefore, the person of ordinary skill in the art, upon

Application No.: 10/777,901**Docket No.: 713-1006**

learning of the teaching of *Kubogochi*, would have been motivated, if at all, to modify the shank 57-32, rather than collar 55, of *Koscik* to include such locking portions. The resulting device would still lack the claimed collar having a locking tooth as presently claimed.

The Examiner's attempt to move the *Kubogochi* locking portion from the shank to the collar is not a proper argument. Indeed, the Examiner's rationale is equivalent to the following: "A nail has a head and a shank, but the shank does not have a thread. However, a bolt has a thread on its shank. Therefore, it would have been obvious to provide the head of the nail with a thread found in the bolt's shank, for the purpose of making the modified nail more secured in the receiving material." A person of ordinary skill in the art would find the above exemplary argument as improper as he would have found the Examiner's.

Finally, the collar 55 of *Koscik* is completely located outside the opening (around 57, 59 in FIG. 3 of *Koscik*) and need no locking portion as such would be redundant. It is another reason why the references are not combinable in the manner suggested by the Examiner. It should be noted that none of the references teach or suggested a locking portion in the collar. The reason for this is that, in all the applied references, the collar is completely located outside the opening and does not need and cannot have a locking portion to engage with the opening. In contrast, in the invention of claim 7, the collar is provided with a locking tooth (8, FIG. 8) to be received in the opening (25, 27, FIG. 5) for preventing the fastener from rotating back to the position where it can be withdrawn from the opening. These unique arrangement and advantage are not disclosed or suggested in any of the applied references and therefore cannot be considered obvious over the art of record.

For the above advanced reasons, Applicants respectfully submit that claim 7 is patentable over the applied references. Claims 2, 4, 8, and 11-14 depend from claim 7, and are considered patentable at least for the reasons advanced with respect to claim 7.

Application No.: 10/777,901**Docket No.: 713-1006**

New independent claim 15 is patentable over the applied references because the references clearly fail to disclose, teach or suggest the claimed fastener, comprising a head and an elongated body extending in an axial direction thereof downwardly from said head; said elongated body comprising, in said axial direction, a first enlarged portion connected to an underside of said head via a first neck portion and a second enlarged portion connected to said first enlarged portion via a second neck portion, whereby sheet materials having openings can be accommodated around said neck portions between said first enlarged portion and said head and between said first and second enlarged portions; each of said enlarged portions having a greater dimension and a smaller dimension respectively in first and second radial directions perpendicular to said axial direction; **wherein the dimensions of said enlarged portions in said first and second radial directions are not greater than respective dimensions of said head in said first and second radial directions.** In other words, new independent claim 15 requires that the head have the largest dimensions in the first and second radial directions. The applied references, especially *Koscik*, clearly fail to disclose, teach or suggest the highlighted limitation as can be seen in FIGs. 1-2 of *Koscik* where it is disclosed that the head 55 is narrower than the first enlarged portion 54 in the longitudinal direction of recess 75. The other applied references do not cure the deficiency of *Koscik*. Therefore, new independent claim 15 is patentable over the applied art of record.

Claims 16-24 depend from claim 15, and are considered patentable at least for the reason advanced with respect to claim 15. Claims 16-24 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

For example, as to claim 17, note the above discussion of claim 7.

As to claims 19-24, the applied references, especially *Koscik*, do not fairly teach or suggest the claimed arrangement of a central cylindrical portion and at least one lug extending outwardly from said cylindrical portion.

Application No.: 10/777,901**Docket No.: 713-1006**

New independent claim 25 is patentable over the applied references because the references clearly fail to disclose, teach or suggest the claimed combination, comprising first and second sheet members each being formed with an opening having a greater dimension and a smaller dimension respectively in first and second radial directions perpendicular to an axial direction of said opening, the openings of said first and second sheet members being aligned with each other, and a fastener comprising a head and an elongated body extending, in the axial direction of said openings, from said head through said openings; wherein said elongated body comprises, in said axial direction, a first enlarged portion connected to an underside of said head via a first neck portion and a second enlarged portion connected to said first enlarged portion via a second neck portion; said first sheet member is disposed between said first enlarged portion and said head with said first neck portion located in the opening of said first sheet member; said second sheet member is disposed between said first and second enlarged portions with said second neck portion located in the opening of said second sheet member; each of said enlarged portions has a greater dimension and a smaller dimension respectively in the second and first radial directions; the greater dimension of said second enlarged portion is smaller than the greater dimensions of said first and second openings and is greater than the smaller dimension of said second opening, thereby allowing said second enlarged portion to be aligned with and pass through the openings and then to be locked against withdrawal after rotation of said fastener a predetermined angle about said axial direction; and the greater dimension of said first enlarged portion is smaller than the greater dimension of said first opening and is greater than the smaller dimension of said first opening, thereby allowing said first enlarged portion to be aligned with and pass through the first opening and then to be locked against withdrawal after rotation of said fastener the predetermined angle about said axial direction. In other words, independent claim 25 defines the locked position of the sheet members by the fastener after the fastener is inserted through the aligned openings and then rotated to guard against withdrawal. None of the applied references teach or suggest this unique arrangement. For example, in *Koscik*, the second enlarged portion (32) is pushed through the respective opening and remains aligned with the opening without being rotated as presently

Application No.: 10/777,901Docket No.: 713-1006

claimed. In addition, *Koscik* even fails to teach the first opening as elements 50 and 51 are two separate elements inserted in between head 55 and first enlarged portion 54. See column 3, lines 29-31 of *Koscik*.

The other applied references do not cure the deficiency of *Koscik*. Therefore, new independent claim 25 is patentable over the applied art of record. Claim 26 depend from claim 25, and is considered patentable at least for the reason advanced with respect to claim 25.


Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

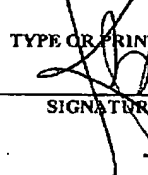
LOWE HAUPTMAN & BERNER, LLP


Randy A. Noranbrock
Registration No. 42,940

for: Benjamin J. Hauptman
Registration No. 29,310

USPTO Customer No. 22429
1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 684-1111 BJH/KL/klb
(703) 518-5499 Facsimile
Date: March 14, 2005

CERTIFICATION OF FACSIMILE TRANSMISSION
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED
TO THE PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW


TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION
SIGNATURE
DATE
March 14, 2005
703-872-9306
FACSIMILE NUMBER